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SUBJECT: AEC PLENARY SESSION OF SEPTEMBER 2, 2008

¶1. (U) SUMMARY: The 35th plenary session of the Assessment and Evaluation Commission (AEC) was held at AEC headquarters in Khartoum on September 2, 2008. Most of the session was devoted to lengthy reports on the current situation in South Kordofan, and preparations for national elections in 2009. The UNMIS head of the Section IV office in Kadugli, Mr. Karen Tchalian, said he was "cautiously optimistic" that demobilization of SPLM units and reintegration of SPLM-controlled areas in the Nuba Mountains was making reasonably good progress after a long delay. He expressed concern at the availability of inflammatory misinformation on various internet sites about tens of thousands of armed men massed in the area, and criticized a recent Small Arms Survey report on the situation there. The UNMIS Chief Electoral Affairs Officer in Khartoum, Ray Kennedy, reported on the daunting challenges Sudan faces in attempting to hold national elections in 2009, according to the schedule enshrined in the Comprehensive Peace Agreement (CPA). Kennedy refused to be drawn into stating as much, but strongly implied that the two sides may have no other choice but to postpone the elections from July, 2009 to December of the same year. END SUMMARY

ADMINISTRATIVE ISSUES

¶2. (U) AEC Chairman Sir Derek Plumbly opened the monthly plenary session with several administrative issues. He said the Government of Switzerland has offered the services of a qualified individual to head up the AEC's office in the Southern Sudan capital of Juba. (NOTE: These offices are funded by the USG. End note.) This individual should be in place within one month. He urged the AEC's four working groups to continue tackling the various recommendations in the AEC's recent Mid-Term Evaluation, suggesting that they aim for monthly meetings. However, he acknowledged that even that schedule can be difficult to meet due to the limited availability of the two sides.

ELECTIONS

¶3. (U) UNMIS Electoral Affairs Officer Kennedy presented a lengthy briefing on the status of preparations for national elections, under the auspices of the CPA. The CPA says that elections should be held by July 9, 2009, but also gives the two parties the opportunity to review the feasibility of that timeline and agree on a later date. He stated that his office looks forward with great anticipation to the appointment of the nine members of the National Electoral Commission (NEC). His GNU contacts have indicated that the National Assembly (legislature) will not be called into special session to ratify the members of the Commission once the Presidency announces the nominations. Instead, the Assembly will wait until their next regular session which begins in October, following the month of Ramadan. [Note: US Embassy poloffs, on the other hand, have been informed by various NCP parliamentarians that the President will call an extraordinary session of Parliament to review the nine NEC

candidates if the candidate list is released by the Presidency before 13 October. End note.]

REVIEW OF FEASIBILITY OF ELECTION DATE

¶4. (U) Kennedy noted that under terms of the CPA, the NCP and SPLM are afforded the opportunity to formally evaluate the feasibility of election dates. That review should have taken place last January. He said he hopes the two sides will undertake this review soon. Kennedy implied that, due to the immense challenges in preparing for elections, and in view of how little has been accomplished to date, the two sides may have to postpone the elections until December of ¶2009. He seemed to imply that even the December date may prove too ambitious. The CPA lists the various factors (including resettlement, rehabilitation, etc) that can be taken into account in setting the election date. UNMIS reviewed the various factors, and concluded that due to logistical challenges and the lack of enough dry season time before July 9, 2009, there is more than enough justification to postpone the elections until December 2009.

TASKS FACING THE NEW NEC

¶5. (U) Once nominated and ratified, the NEC will face various tasks to get up and running, Kennedy said, beginning with setting up their offices and bureaucracies in Khartoum, Juba and the various state capitals. They will have to arrange for training for their new staffs, and then establish procedures and regulations. The NEC will face an array of policy decisions, including determination of the accreditation requirements for national and international observers, and determining how IDPs will be dealt with in the elections. The

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Commission will have to draft key voter education messages; it will face a tight timeline on procurement of items for voter registration and for the election itself. For example, it will have to determine whether photo identification will be required for voter registration, and then will have to procure the necessary materials to produce the identification cards.

¶6. (U) Two of the most time-consuming processes that lie ahead on the road to elections are voter registration, and determination of boundaries of the many single member districts. The NEC will have to determine boundaries for 270 single member districts for the National Assembly, 100-150 seats for the Southern Sudan Legislative Assembly, and approximately 750 districts for the various state assemblies. Based on UNMIS experience in other countries, such as Liberia, drawing constituency boundaries will take from three to six months. Then the NEC should allow time for public hearings and comment. Determining single member districts containing approximately the same number of voters in turn must await results of the recent national census; Kennedy said latest indications are that the census results may not be available until January 2009. Following the initial determination of constituency boundaries, the country's political parties will need about one month to select their slates of candidates.

¶7. (U) The Commission will also require sufficient time to review the estimated 1300 various "ballot styles" that will need to be produced for the elections. This review must be completed before the ballots are sent to the printer. One month will be required to move the ballots from the warehouse to the country's many voting centers.

ADDITIONAL LEGISLATIVE REFORMS

¶8. (U) The UK Ambassador inquired about the various other legislative reforms stipulated by the CPA to create a suitable political context for free and fair national elections, such as a new Media Law, Security Act, etc. Kennedy merely observed that if the election date is postponed until December 2009, the National Assembly would have time to hold a Spring 2009 session to pass the required legislation. The SPLM representative asked directly whether UNMIS deems the current target election date, July 9, 2009,

to be feasible. Kennedy replied that his office has been warning for some time now that to achieve the July 9 date, "the NEC would have had to be in place for some time now."

SOUTH KORDOFAN

¶9. (U) The AEC next heard a detailed report from the UNMIS Office Head for Sector IV (stationed in Kadugli), Mr. Karen Tchalian. The official pronounced himself "cautiously optimistic" that developments were tending in the right direction. Three years into the CPA, the redeployment and demobilization of SPLM armed units in South Kordofan and the re-integration of the SPLM "closed areas" into the State was long overdue, he said. He reviewed the progress to date of naming SPLM candidates to the State's civil service corps (some 4,000 have been identified). The process of GOS police taking over previously SPLA police stations was "going well, with no reports of any unpleasantness," he said. Tchalian said a big challenge was avoiding a security vacuum in the closed areas. The JIUs, for all their faults, are trying to fill the vacuum in the areas vacated by the SPLM police, he said. He added that much remains to be done, specifically citing the challenge of integrating the two judicial and educational systems.

¶10. (U) Tchalian addressed the issue of "spoilers," or individuals or political formations trying to take advantage of the changing political and security situation in the State. He specifically rebutted the most recent Small Arms Survey report (No. 12), titled "The Drift Back to War." Tchalian said that while SAS analysis "is usually quite good," this particular report is "a wealth of misinformation" and "highly irresponsible." (Note: The SAS report is quite critical of UNMIS performance in South Kordofan. End note.) He noted the challenge posed by various web sites reporting such misinformation as up to 40,000 irregular armed forces "prancing around Kadugli," as he put it. He said he could guarantee that such reports are not true, but they are "unhelpful, irresponsible, and quite dangerous."

IMPORTANCE OF NUBA MOUNTAINS TO THE CPA

¶11. (U) Concluding his briefing, Tchalian stressed the importance of South Kordofan/Nuba Mountains region for the success of the CPA.

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The Abyei problem is fairly simple in comparison. In contrast, "the Nuba Mountains (region) is the linchpin of the CPA - if we succeed there, the CPA will succeed," he said. "The reintegration of South Kordofan is the only way to establish peace in the Nuba Mountains." US DCM Asquino stated that the USG wants to encourage continued integration of the police, public health services, judicial system and teacher corps in Southern Kordofan. Chairman Plumbly agreed, asking that the international community consider "how they can support this (integration) process" in South Kordofan.

¶12. (U) Plumbly brought the meeting to a close, saying that the next AEC plenary session would be on or about Tuesday, October 7, 2008.

¶13. (U) COMMENT: The September 2 session was particularly valuable for the briefings on preparations for the 2009 national elections, and the state of play in South Kordofan. The AEC was left with the impression that a long, complicated and time-consuming process remains ahead before elections will be held, and that, realistically speaking, the two parties will have little choice but to agree on delaying the election date until at least December 2009, after the end of the 2009 rainy season. The two CPA partners were put on notice of the urgency of their task, and that the international community is watching and is concerned. The AEC international partners, and the donor community generally, stand ready to help, but little can be done until Sudan finally establishes a National Electoral Commission. Free and fair elections also cannot take place without radically different National Security and Press Laws, both of which have yet to be taken up by the legislature. Similarly, much remains to be done in process of reintegration of the state of South Kordofan before the area can be declared one of the CPA's

success stories. Emboffs plan a visit to that region the week of September 14, and will report their observations.

FERNANDEZ